

BOARD OF SELECTMEN

Minutes of the Meeting of March 16, 2016. The meeting took place in the Public Safety Facility Community Room, 4 Fairgrounds Road, Nantucket, MA 02554. Members of the Board present were Rick Atherton, Robert DeCosta, Matt Fee, Tobias Glidden and Dawn E. Hill Holdgate.

I. CALL TO ORDER

Chairman DeCosta called the meeting to order at 6:05 PM.

II. BOARD ACCEPTANCE OF AGENDA

The agenda was unanimously accepted as presented.

III. ANNOUNCEMENTS

1. Town Manager C. Elizabeth Gibson announced that the Board of Selectmen meeting is being video/audio recorded.
2. 2016 Annual Town Meeting Starts Saturday, April 2, 2016 at 9:00 AM at Nantucket High School Auditorium, 10 Surfside Road; Annual Town Election is Tuesday, April 12, 2016 – Polls Open from 7:00 AM to 8:00 PM at Nantucket High School.
3. Ms. Gibson announced that the Nantucket Civic League will be providing shuttle transportation for the April 2, 2016 Annual Town Meeting.
4. At next week's Board meeting, there will be an alternative operational model presentation for Our Island Home and on Thursday, March 24, 2016 from 10:00 AM to 12:00 PM there will be a public forum in the PSF Community Room.

IV. PUBLIC COMMENT

None.

V. NEW BUSINESS

None.

VI. APPROVAL OF MINUTES, WARRANTS, PENDING CONTRACTS

1. Approval of Payroll Warrants for Weeks Ending March 6, 2016; March 13, 2016. The payroll warrants for weeks ending March 6, 2016 and March 13, 2016 were approved by the unanimous consent of the Board.
3. Approval of Treasury Warrants for March 9, 2016; March 16, 2016. The treasury warrants for March 9, 2016 and March 16, 2016 were approved by the unanimous consent of the Board.
4. Approval of Pending Contracts for March 16, 2016 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Gibson reviewed the various pending contracts and answered questions from Board members. Fire Chief Paul Rhude reviewed the contract for two tanker trucks and answered questions from Board members. Mr. Glidden moved to approve the pending contracts for March 16, 2016; Mr. Atherton seconded. All in favor, so voted.

VII. CONSENT ITEMS

1. Resignation Acceptance: Agricultural Commission. The resignation of Patty Myers from the Agricultural Commission was accepted by the unanimous consent of the Board.

2. Request for Approval of Application for New Officers/Directors for Annual All-Alcoholic Beverages Club License for Sankaty Head Golf Club, Inc. d/b/a Sankaty Head Golf Club Located at 100 Sankaty Road. The new officers/directors license application for Sankaty Head Golf Club was approved by the unanimous consent of the Board.

3. Request for Approval of Application for New Officers/Directors for Seasonal All-Alcoholic Beverages Club License for Sankaty Head Beach Club, Inc. d/b/a Sankaty Head Beach Club Located at 18 Hoicks Hollow Road. The new officers/directors license application for Sankaty Head Beach Club was approved by the unanimous consent of the Board.

X. TOWN MANAGER'S REPORT

1. New Fire Station Update. John Lemieux, the Town's Owners Project Manager (OPM) for the new fire station gave an update on the status of the project. He reviewed the site plan noting no new changes as well as an updated rendering of the exterior elevation facing Fairgrounds Road. Mr. Lemieux noted that the schematic design is complete; the design development is complete and an updated cost estimate has been received; drawings have been submitted to and preliminary discussions have occurred, with the HDC. He said eight general contractors and approximately 50 subcontractors have been prequalified. Mr. Lemieux reviewed the schedule for when drawings will be available and when bids are to be received. He reviewed the project budget and the design development to date, noting the budget is currently trending under budget. Mr. Lemieux answered questions from Board members throughout the presentation.

VIII. CITIZEN/DEPARTMENT REQUESTS

1. Request for Approval of Change of Manager of Annual All-Alcoholic Beverages Club License for Sankaty Head Golf Club, Inc. d/b/a Sankaty Head Golf Club from Robert Kuratek, Manager to Mark J. Kohler, Manager, for Premises Located at 100 Sankaty Road. Attorney Bryan Swain, representing the applicant, spoke in favor of the application. Mr. Glidden moved to approve a change of manager application for Sankaty Head Golf Club; Ms. Hill Holdgate seconded. All in favor, so voted.

2. Request for Approval of Change of Manager of Seasonal All-Alcoholic Beverages Club License for Sankaty Head Beach Club, Inc. d/b/a Sankaty Head Beach Club from Robert Kuratek, Manager to Bailey Miller, Manager, for Premises Located at 18 Hoicks Hollow Road. This matter was withdrawn.

3. Request for Approval of Change of Manager of Seasonal Wine/Malt Beverages Restaurant License for Nantucket Rotary LLC d/b/a Lola Burger from Timothy Smiles, Manager to Alexandra Starzyk, Manager, for Premises Located at 1 Sparks Avenue. Attorney Swain, representing the applicant, spoke in favor of the application. Mr. Glidden moved to approve a change of manager application for Lola Burger; Mr. Atherton seconded. All in favor, so voted.

4. Nantucket Preservation Trust: Request for Approval of Preservation Restriction to be Held by Nantucket Preservation Trust for Maria Mitchell Association Library at 2 Vestal Street. Attorney Sarah Alger, representing the Maria Mitchell Association, spoke in favor of the request. Mr. Fee moved to approve the preservation restriction for the Maria Mitchell Library; Mr. Glidden seconded. All in favor, so voted.

5. Housing Nantucket: Request for Waiver of Sewer Connection and Sewer Privilege Fees for Two "Community Housing Units" at 18 Ticcoma Way (Tabled from March 2, 2016). This matter was held for representation from Housing Nantucket to arrive.

6. NCTV 18: Request to Change Designation of Franchise Fee Recipient from Nantucket Community Television to Community Foundation for Nantucket on Behalf of Nantucket Community Television. Chairman

DeCosta, who is the Board's representative to NCTV 18, explained that NCTV 18 has gone under the umbrella of the Community Foundation for Nantucket and would like the franchise fee to go from NCTV 18 to CFNan on behalf of NCTV 18. Chairman DeCosta answered questions from Board members. Mr. Fee moved to approve the request, Mr. Glidden seconded. All in favor, so voted.

7. Kingdom County Productions: Multiple Requests Regarding "Wetware" Film Production on Nantucket April 11 to May 3, 2016 Including Permission to Film on Town-Owned Property and Approval of Various Street and Sidewalk Blockings; Waivers of Town Noise Bylaw for Multiple Dates, Times and Locations; Approval of Film Permit; Reductions of Fees to Rate of \$25/Day. Special Events Coordinator Amy Baxter reviewed the request for Kingdom County Productions, including a request for street and sidewalk blockings, waivers of the Town Noise Bylaw and a reduction of filming fees, and noted that Kingdom County previously received a waiver of \$25 per day two years ago for a different project. A representative from Kingdom County Productions answered questions from Board members. Ms. Baxter recommended to charge seven days at \$150 per day. Chairman DeCosta said he does not want any film vehicles to be parked on Town streets over Daffodil Weekend. Following some discussion, Mr. Glidden moved to charge seven days at \$150 per day and the condition that no film vehicles will be parked on any Town streets or in any municipal parking lots on Saturday and Sunday of Daffodil Weekend; Mr. Atherton seconded. All in favor, so voted.

IX. PUBLIC HEARINGS

1. Public Hearing to Consider Petition for Verizon Communications Plan # MA2016-02 to Install Approximately 650' of One 4" PVC Conduit and Associated Serving Pedestals from Boston Avenue Easterly along the Northerly Sideline of Monomoy Road, Removing Five Poles. Chairman DeCosta opened the public hearing. Ms. Hill Holdgate recused herself from this matter. Tom Stanton, representing Verizon, was present and answered questions from Board members. Chairman DeCosta closed the public hearing. Mr. Fee moved to approve the Verizon petition for Monomoy Road; Mr. Glidden seconded. All in favor, so voted.

2. Public Hearing to Consider Application for New Common Victualler License for R.J. Diamond, Inc. d/b/a A.K. Diamond's, Richard Diamond, Manager, for Premises Located at 16 Macys Lane. Chairman DeCosta opened the public hearing. There was no representative from A.K. Diamond's present and no public comment. Chairman DeCosta closed the public hearing. Mr. Fee moved to approve a new Common Victualler license for A.K. Diamond's; Mr. Glidden seconded. All in favor, so voted.

3. Public Hearing to Consider Application for Alteration of Premises for Annual All-Alcoholic Beverages Restaurant License for R.J. Diamond, Inc. d/b/a A.K. Diamond's, Richard Diamond, Manager, for Premises Located at 16 Macys Lane. Chairman DeCosta opened the public hearing. There was no representative from A.K. Diamond's present and no public comment. Chairman DeCosta closed the public hearing. Mr. Glidden moved to approve an alteration of premises for the liquor license for A.K. Diamond's; Ms. Hill Holdgate seconded. All in favor, so voted.

4. Public Hearing to Consider Application for New Annual Wine/Malt Beverages Restaurant License for Nobuchi, Inc. d/b/a Sushi by Yoshi, Terrance J. Noyes, Manager, for Premises Located at 2 East Chestnut Street. Chairman DeCosta opened the public hearing. Terry Noyes answered questions from Board members, noting he is not looking to get into the "bar business". Chairman DeCosta closed the public hearing. Mr. Glidden moved to approve a new annual wine/malt license for Sushi by Yoshi; Ms. Hill Holdgate seconded. All in favor, so voted.

5. Public Hearing to Consider Application for New Annual All-Alcoholic Beverages Restaurant License for J. Etc. LLC d/b/a Oran Mor Bistro, Jon Tancinco, Manager, for Premises Located at 2 South Beach Street. Chairman DeCosta opened the public hearing. Attorney Alger explained that the restaurant has changed owners and that

the previous license expired and the new owners are applying for a new annual license. Ms. Hill Holdgate asked if the restaurant will actually be open year round. Mr. Tancinco said he didn't want to limit himself so applied for an annual license. Chairman DeCosta said that if he doesn't plan to stay open year-round, the application for an annual license should be withdrawn and a new seasonal license should be submitted. Attorney Alger asked that she and her client have time to confer in the lobby. Chairman DeCosta allowed this and said the public hearing will be kept open. Mr. Atherton noted that some restaurants require a "fair amount" of maintenance and the Board doesn't mind accommodating this. Chairman DeCosta said closings should be tracked. Ms. Baxter said she has tracked restaurant closings for the past 6-7 years.

6. Public Hearing to Consider Application for New Annual All-Alcoholic Beverages Restaurant/Hotel License for Faros 17 Broad LLC, Alexander Leventhal, Manager, for Premises Located at 17 Broad Street. Chairman DeCosta opened the public hearing. Attorney Alger noted that the owners would like to try an annual license for one year to see how it works out and if it doesn't they will be back to apply for a seasonal license. She noted the restaurant will be doing business as Greydon House. Chairman DeCosta closed the public hearing. Attorney Alger answered questions from Board members, noting there will be no liquor service outside pursuant to a Planning Board condition but they would like to offer room service. Ms. Hill Holdgate moved to approve the application for a new all-alcohol license for Greydon House; Mr. Fee seconded. All in favor, so voted.

7. Public Hearing to Consider Application for New Annual All-Alcoholic Beverages Restaurant License for Forty-Five Surfside Road LLC d/b/a 45 Surfside, Rebecca A. Moesinger, Manager, for Premises Located at 45 Surfside Road; Request for Determination that the Premises is Not Detrimental to the Educational and Spiritual Activities of a Church or School Pursuant to Section 16C of MGL Chapter 138. Chairman DeCosta opened the public hearing. Attorney Andrew Upton, representing Rebecca Moesinger, spoke in favor of the application. He noted that the neighbors, including the school, have been informed via personal email of the application in addition to the required mailing. Attorney Upton said there will be no bar, no shots, no pitchers and no smoking. Chairman DeCosta asked if there will be outside seating. Mr. Fee recused himself from this matter. Attorney Upton said there will be outside seating and they would like to serve alcohol in the outside seating. Chairman DeCosta closed the public hearing. Ms. Baxter spoke against the service of alcohol outside as the location is in close proximity to the public schools. She also noted that the business is essentially a bakery and the sale of alcohol doesn't seem to fit with a bakery, noting that last year Lemon Press was denied a license as the Board deemed that the sale of alcohol did not fit their business plan. Attorney Upton said the business plan has expanded from a bakery to include special events and sit down meals for breakfast, lunch and dinner. Ms. Moesinger clarified that it will be a café that will serve soups and sandwiches and lunch and light dinners. Chairman DeCosta asked about the plans for entertainment. Ms. Moesinger said it will be quiet background music only. Ms. Baxter said the Police Department requests no alcohol service outside. Mr. Glidden spoke against all-alcoholic beverages service but supported wine and beer. Ms. Hill Holdgate said she was originally excited about a café near the school but now that the business plan seems to have changed with a liquor license she's not so sure. She spoke against an all-alcoholic beverages license but said she would support beer and wine if it was limited to the evening. Chairman DeCosta moved to approve the license on the condition that there be no alcohol service before 11:00 AM and no alcohol service outside. The motion died for lack of a second. Mr. Atherton suggested the applicant consider applying for a wine/malt license considering the location. Mr. Glidden moved to deny the application in the spirit that a new application for a wine/malt will be brought forth; Ms. Hill Holdgate seconded. So voted 3-1 (Chairman DeCosta was opposed). Mr. Atherton clarified that he hopes Ms. Moesinger submits a new application for a wine/malt license. Ms. Moesinger said she will do so.

8. Public Hearing to Consider 2016 Seasonal Liquor License Renewals, Seasonal Entertainment License Renewals and Junk Dealers License Renewals. Chairman DeCosta opened the public hearing. Ms. Baxter said there are no issues with any of the renewals. Chairman DeCosta closed the public hearing. Ms. Hill Holdgate recused herself from this matter. Attorney Rhoda Weinman spoke on the Summer House application saying that

the provisions on the license have not been met as required. Attorney Weinman also spoke about Met on Main and issues with noise, that the 9:30 PM close for the patio doesn't work for her clients, and asked the Board to only require one verified complaint to allow this matter to come back to the Board. Ms. Baxter noted there have been noise complaints over the last three years. Attorney Swain said his client understands the Board's position on the license and has hired a new manager. Some discussion followed regarding the large-screen television on the patio at Prime. Ms. Gibson noted that Met on Main is not listed on the seasonal renewal list inadvertently. She also noted that the entertainment licenses have actually already been approved because statutorily they are done on an annual basis. Mr. Glidden moved to include Met on Main on the seasonal renewal list; Mr. Fee seconded. So voted 4-0. Chairman DeCosta closed the public hearing. Mr. Glidden suggested that a public hearing be scheduled for the JC House/Nantucket Prime to deal with its TV. Mr. Fee moved to approve the seasonal liquor licenses as presented; Mr. Glidden seconded. So voted 4-0. Ms. Hill Holdgate returned to the meeting. Mr. Fee moved to approve the junk dealers licenses; Mr. Glidden seconded. All in favor, so voted.

5. Public Hearing to Consider Application for New Annual All-Alcoholic Beverages Restaurant License for J. Etc. LLC d/b/a Oran Mor Bistro, Jon Tancinco, Manager, for Premises Located at 2 South Beach Street. Attorney Alger said she conferred with her clients and they will try an annual license through December 2016 and at that time they will decide to renew their annual license or apply for a seasonal license. Chairman DeCosta closed the public hearing. Mr. Fee moved to approve a new all-alcoholic beverages license for Oran Mor; Mr. Glidden seconded. All in favor, so voted.

VIII. CITIZEN/DEPARTMENT REQUESTS

5. Housing Nantucket: Request for Waiver of Sewer Connection and Sewer Privilege Fees for Two "Community Housing Units" at 18 Ticomma Way (Tabled from March 2, 2016). Chairman DeCosta noted Housing Nantucket (HoNan) is asking for a waiver of sewer connection fees for property the Town transferred for affordable housing and suggested if the units don't go on the Town's Subsidized Housing Inventory (SHI) then Housing Nantucket shouldn't get the waiver. He said any piece of Town-owned land used for housing should be on the SHI. Mr. Atherton and Ms. Hill Holdgate concurred. Ms. Hill Holdgate noted she spoke with Ms. Kuszpa earlier today and said it's important to understand the process of getting on the SHI list and she asked that Ms. Kuszpa be allowed to review it. Mr. Glidden spoke in favor of proceeding with the waiver, now, and deal with the SHI list later, noting there are many affordable units on Nantucket that are not on the SHI list. Ms. Kuszpa reviewed HoNan's policy for filling rental vacancies. She also noted that the SHI list requirements are such that vacancies would have to be opened up regionally. Mr. Fee said he doesn't like the bureaucracy of this matter but feels we also need to get something when we give land for affordable housing, namely additions to the SHI list. Some discussion followed. Chairman DeCosta spoke against granting the waivers unless the units are added to the SHI list. Mr. Glidden suggested looking at getting all of HoNan's units onto the SHI list at a later time and not worrying about these two units at this time. Chairman DeCosta said that the Town gave HoNan the land, the units are being built with Community Preservation Act funds, and he's not willing to give anything else away "free" without the tax payers getting something in return. Mr. Atherton concurred saying he is concerned if the units are not required to be added to the SHI list then they may never be added. Mr. Atherton moved to approve a waiver of the sewer connection and sewer privilege fees as long as the units are placed on the SHI list; Ms. Hill Holdgate seconded. Ms. Hill Holdgate asked who will be monitoring this for the Town. Affordable Housing Trust member Tucker Holland said he and Planning Director Andrew Vorce can handle the reporting to the state. So voted 4-0. Mr. Glidden abstained.

IX. PUBLIC HEARINGS

9. Public Hearing to Consider Amending Chapter 200, Traffic Rules and Regulations to Review Residential Parking Permit Rates (Continued from February 17, 2016). Chairman DeCosta opened the public hearing. Police Chief William Pittman reviewed proposed language for residential parking permits, which will allow multiple residents living at the same address who are listed in the Town of Nantucket Street List to obtain

parking permits for \$50 each during January of each year (April for 2016). Chairman DeCosta closed the public hearing. Chief Pittman answered questions from Board members. Mr. Fee moved to approve the amended language to section 200.16.1.1 as presented (attach); Mr. Atherton seconded. All in favor, so voted.

XI. SELECTMEN'S REPORTS/COMMENT

1. Committee Reports. Ms. Hill Holdgate reported that at the Community Preservation Committee there was discussion about the skate park and ongoing vandalism. Chief Pittman noted that surveillance cameras are going to be installed shortly. Mr. Glidden reported that he attended a Cape Cod Selectmen and Councilor's Association meeting last week and discussed fishery issues. Chairman DeCosta asked if the emergency siren was sounded when it was tested last week as he didn't hear it. Chief Pittman said it was audible in most areas but some areas it was not because of wind and building obstructions. Ms. Gibson reviewed upcoming agenda items for the Board's March 23, 2016 meeting.

XIII. ADJOURNMENT

The meeting was unanimously adjourned at 8:09 PM.

Approved the 6th day of April, 2016.

Suggested Language Changes: RESIDENTIAL PARKING PERMITS

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200.16.1.1 Residential Parking Permit: Where Stopping, Standing or Parking is not otherwise prohibited within the Residential Parking Permit District, up to two (2) permits shall be issued to owners of Vehicles who own or rent dwellings which front on streets included in the Resident Parking Permits District or Core District, provided that a fee of \$50 for applications submitted between January 1 and May 31 or \$100 for applications submitted between June 1 and December 31 has been paid to the Town; the applicant shows satisfactory proof that he or she lives on a Public Way in one of the districts during the period between June 1 and September 30 of the year for which he is seeking a permit by using a tax bill, executed lease with a term greater than 90 days or other acceptable documentation as proof; and a valid registration card for the Vehicle to be permitted is shown. Applicants who require additional permits ~~shall~~ **may** be issued a permit, **upon completion of an application as follows: For additional permits purchased between January 1 and January 31 by a resident of the Town who is shown as a resident of the Town upon the street where such additional permits are requested as determined by the Official Street List maintained by the Nantucket Town Clerk, the fee or any such additional permit shall be \$50.00; for additional permits by persons who do not appear on the Official Street List of the Town, and such additional permits are purchased between January 1 and May 31, the fee for each additional permit shall be \$250.00; for any additional permit purchased between June 1 and December 31, the fee shall be \$500.00 for each permit. [Fee established by the Board of Selectmen March 16, 2016, effective April 1, 2016] ~~provided that a fee of \$250 for each additional vehicle for applications submitted between January 1 and May 31 or \$500 for each additional vehicle for applications submitted between June 1 and December 31 has been paid to the Town. Vehicles which are owned by a corporate entity may be issued one (1) Applicants for Residential Parking Permit s may register one (1) corporate owned vehicle per applicant~~ when the vehicle being registered is owned by a corporate entity rather than the applicant. **Corporate vehicle owners are not eligible for any additional parking permits under this section.** Denial of permits for corporate vehicles can be appealed to the Board of Selectmen. [Fee established by the Board of Selectmen on December 17, 2014, effective January 1, 2015]. Owners of Vehicles who live full-time aboard a vessel moored on a Town licensed mooring shall be eligible for a Residential Parking Permit under this section. Provided that a fee of \$75 has been paid to the Town; the applicant shows satisfactory proof that he or she lives full-time on a vessel that is properly documented by the U.S. Coast Guard or properly registered by the State of Massachusetts and moored on a mooring properly permitted by the Town of Nantucket during the period between June 1 and September 30 of the year for which they are seeking a permit and a valid registration card for the Vehicle to be permitted must be provided. The Signature of the Harbormaster is required to verify proof of**

full-time live-aboard status. [Fee established by the Board of Selectmen on October 22, 2014, effective October 30, 2014]

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EFFECTIVE APRIL 1, 2016 THROUGH APRIL 30, 2016: Additional Residential Parking Permits may be purchased by a resident of the Town who is shown as a resident of the Town upon the street where such additional permits are requested as determined by the Official Street List maintained by the Nantucket Town Clerk, the fee for any such additional permit shall be \$50.00. This paragraph beginning with the phrase "EFFECTIVE APRIL 1, 2016 THROUGH APRIL 30, 2016" shall be automatically deleted from this regulation on April 30, 2016.

**BOARD OF SELECTMEN
MARCH 16, 2016 – 6:00 PM
PUBLIC SAFETY FACILITY COMMUNITY ROOM
4 FAIRGROUNDS ROAD
NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- VI. 3. Pending contracts spreadsheet for March 16, 2016
- VII. 1. Resignation letter from Patty Myers from Agricultural Commission; AgCom membership list
- VII. 2. ABCC New Officer/Director application for Sankaty Head Golf Club
- VII. 3. ABCC New Officer/Director application for Sankaty Head Beach Club
- VIII. 1. ABCC change of manager application for Sankaty Head Golf Club; TIPS Trainer Certification Card; copy of existing liquor license
- VIII. 2. ABCC change of manager application for Sankaty Head Beach Club; TIPS Trainer Certification Card; copy of existing liquor license; request for withdrawal
- VIII. 3. ABCC change of manager application for Lola Burger; TIPS Certificate of Completion; copy of existing liquor license
- VIII. 4. Letter from Town Counsel, re: Historic Preservation Restriction for Maria Mitchell Library; Grant oh Historic Preservation Restriction with exhibits
- VIII. 5. Request from Housing Nantucket for sewer fee waivers; breakdown of waiver request costs; note from Anne Kuszpa re: SHI list
- VIII. 6. Email from Town Counsel, re: designation change for Franchise Fee; draft letter to Comcast
- VIII. 7. Memo from Kingdom County Productions, re: film permit and waiver requests; shoot schedule; noise waiver dates/locations/times; street blocking maps; film policy fees
- IX. 1. Departmental comments; Verizon petition re: Monomoy Road
- IX. 2. Common Victualler license application for AK Diamonds
- IX. 3. Departmental comments; ABCC alteration of premises application for AK Diamonds; copy of existing liquor license
- IX. 4. Departmental comments; ABCC liquor license application for Sushi by Yoshi
- IX. 5. Departmental comments; ABCC liquor license application for Oran Mor
- IX. 6. Departmental comments; ABCC liquor license application for Greydon House/17 Broad Street
- IX. 7. Departmental comments; ABCC liquor license application for 45 Surfside; determination letter
- IX. 8. 2016 seasonal liquor license renewal list and violation list; junk license renewal list
- IX. 9. Proposed changes to Chapter 200, Traffic Rules and Regulations, section 200.16.1.1
- X. 1. Nantucket Fire Department project update presentation